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### REMARKS

Claims 19, 20, 26, 27, 30-33, 44, 45-48, 50 and 52 have been amended. Claims 22 and 39-42 have been canceled. It should be appreciated that the amended claims merely clarify the invention as disclosed by the Applicant in the specification and drawings. Claims 19-21, 23-28, 30-33, and 44-52 remain in the application.

Claims 19-28, 30-33, 39-42 and 44-52 were rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. Applicant respectfully traverses this rejection.

In particular, the Examiner stated that the claims include a "second programmable interrogation device" that is not described in the specification. The Examiner further states that the specification discloses a location determination device, but does not disclose that the location determination device is programmable, including a processor. In addition, the Examiner states that the claims include a computer system that is not described in the specification, and that the specification discloses a database.

With regards to the second programmable interrogation device, the Examiner is directed to page 9, lines 8-18 which states:

... each tag is adapted to selectively provide this information upon receipt of a request or query type command from a device or a system such as that described within the '287 patent, which allows this "location information" to be selectively obtained. Any of the identification codes assigned to the vehicles may be changed or altered automatically and electronically to reflect a change in status, destination or location within the yard."

The specification refers to, and incorporates by reference U.S. Patent No. 5,590,287 as an example of a "tag" or "location" system.

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The specification clearly discloses a first device or tag that is placed on the vehicle. The specification clearly discloses that various identifiers are selectively received and stored on the first device. The specification clearly discloses a second device that is utilized to query the first device in order to selectively obtain location information. The first and second devices are clearly programmable since they are utilized to be changed or altered automatically and electronically to reflect a change in status, destination or location within the yard.

The Applicant directs the Examiner to page 6, lines 17-19, which states that "each unique vehicle identification code is stored within a computerized or electronic database." At page 8, lines 5-9, which states "... at the conclusion of step 18, each manufactured vehicle may be selectively referenced within a relational or computer database by use of a stored first, second, and third identification code." Clearly, one skilled in the art would understand that the data for all of the vehicles would be stored in a computer system. Also, one skilled in the art would understand that the second programmable interrogation device would be programmed to query the first devices to find a particular vehicle. Applicant respectfully submits that the specification discloses a second programmable interrogation device, and a computer system, and that the database is part of the computer system.

The drawings were objected to under 37 CFR 1.83(a) for not showing each feature of the invention specified in the claims, and in particular the storage area, interrogation device, computer system, the database, memory with identifiers and vehicle with identification device. The Applicant has canceled claims 39-43 which were drawn to a system. Applicant respectfully submits that the drawings now conform to the claims and the specification.

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Claims 19-28, 30-33, and 44-52 were objected to because of a typographical error in claims 19 and 44. Therefore, claims 19 and 44 were amended to change the word "identity" to "identify". Applicant respectfully submits that this rejection is now moot.

Claims 19-21, 23-25, 27, 28, 30-31, 39 and 41 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,097,301 to Tuttle in view of U.S. Patent No. 5,635,693 to Benson et al. Applicant respectfully traverses this rejection with respect to claim 19. Claim 39 has been canceled, therefore Applicant respectfully submits that this rejection to claim 39 and the claims dependent therefrom is now moot.

U.S. Patent No. 6,097,301 to Tuttle discloses a system and method for adjusting the two-way communication range of an RFID system to assist a human operator in individually handling and interrogating a plurality of tagged objects having an RFID tag transceiver. The purpose of the system of Tuttle '301 is to identify where the item is to go after it leaves the storage facility. The system includes a human operator 10 responsible for the objects which have an RFID identification tag. In this example, the system is used in baggage handling, such as at an airport. The operator 10 loads the item 12, which in this example is luggage, into a designated freight container 14. Each freight container 14 is intended to be loaded on a specific airline flight. Each item 12 includes a tag 16 which contains information, such as the designated flight number, which is read by the operator 10. The tag 16 includes a programmable memory 38 containing information such as the flight number and departure time. The system also includes an RFID interrogator transceiver having a set of one or more performance parameters which control a reliable two-way communications range between the interrogator transceiver and any of the RFID tag transceivers. The system further includes an antenna connected to the interrogator

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transceiver that is adapted for mounting on the person, and in particular near the hand of the person. The person is able to reduce the distance between the antenna and a tag transceiver by extending his hand toward the tag transceiver. The system further includes a control logic circuit, connected to the interrogator transceiver, for adjusting at least one of the performance parameters, so that reliable two-way communications range between the interrogator transceiver and the transceiver of each of the tagged objects slightly exceeds the minimum distance. In operation, as the operator moves within a certain proximity of the item 12, the tag on the item receives an interrogation signal transmitted periodically from the operator's interrogator 20. The tag 16 responds by transmitting a message containing the itinerary information stored in its memory to the interrogator. The interrogator 20 receives the message and conveys the information to the operator.

The method of Tuttle '301 includes the steps of mounting an RFID interrogator transceiver having an antenna on an operator, and mounting the antenna of the interrogator receiver near the hand of the person. This enables the operator to reduce the distance between the antenna and a tag receiver to a minimum distance by extending his hand toward the tag transceiver. The method also includes the steps of mounting on each tagged object an RFID tag transceiver having a set of one or more performance parameters which control a reliable two-way communications range between the tag transceiver and the interrogator transceiver. The interrogator transceiver includes a set of one or more performance parameters that reliably control the two-way communications range between the interrogator transceiver and any of the tag transceivers. The method further includes the step of adjusting at least one of the performance parameters so that the reliable two-way communications range between the

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interrogator transceiver and the transceiver of each of the tagged objects slightly exceeds the minimum distance. By adjusting the range, the operator is confident that the identifying information received from the interrogator pertains to the item the operator is currently handling and not any of the surrounding items. Tuttle '301 does not disclose a method of tracking a stored item, such as a vehicle, within a storage facility by assigning the item a first and second item identifier, and using the first and second identifiers to locate a predetermined item among a plurality of stored items. In Tuttle '301, a particular item is identified by placing an interrogator transceiver on the operator within a predetermined minimum communication range of only an RFID transceiver on a selected item.

U.S. Patent No. 5,635,693 to Benson et al. discloses a radio frequency tagging system used to monitor vehicles entering, leaving or stored in a storage lot. The system includes a plurality of storage areas 101, 102; a computer 130; a vehicle with an RF tag 210 attached; and a paging company 160 with broadcast antenna. A method for monitoring vehicles passing through the storage area includes the steps of storing one or more vehicles in a vehicle storage area having vehicle access. The method also includes the steps of attaching a radio frequency signal to the vehicle using a radio frequency tag having a tag antenna and a tag memory with vehicle ID information about the vehicle. The method further includes the steps of passing the vehicle through the vehicle access while communicating the radio frequency signal between the base station and the radio frequency tag, and to transmit the vehicle ID information in a return radio frequency signal that is sent to the base station. The method also includes the steps of storing status information on the computer containing information about vehicle ownership and using the vehicle ID information to take an action. Benson et al. '693 does not disclose a system and

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method of automatically tracking a stored item within a storage facility that includes the steps of assigning the item unique identification codes for tracking the identity of the item, the storage location of the item, the intended destination of the item, the transport means, and the status of the item.

In contradistinction, claim 19, as amended, discloses a method of identifying an item as it is received, while it is stored and where it should be shipped. The item is stored among a plurality of items. The method includes the steps of assigning a first item identifier to the item to identify the particular item, such as a vehicle, and storing the first item identifier in a computer database. The method also includes the steps of assigning a second item identifier to the vehicle that associates the vehicle with the first item identifier, and affixing a first selectively programmable identification device on the vehicle, such that the second item identifier is stored in the memory of the first programmable identification device. The method further includes the steps of assigning a destination identifier to the vehicle indicative of a predetermined destination for the item, a status identifier indicative of a shipping status of the vehicle and a storage location identifier indicative of a current storage location of the vehicle within a storage area. The method further includes the step of assigning a transport means identifier to the vehicle that is indicative of how the vehicle will be transported to its final destination. Each of these identifiers is stored in the memory of the first programmable identification device. The method also includes the step of providing a second selectively programmable interrogation device that is operatively in communication with the first identification device and a computer system. The method further includes the step of using the second selectively programmable interrogation device to identify a predetermined vehicle among the plurality of stored vehicles by interrogating

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each of the stored vehicle's first identification device and comparing the first item identifier to the second item identifier until the predetermined vehicle is identified within a storage area. The second interrogation device also reads the destination identifier, status identifier, location identifier and transport means identifier from the first identification device of the identified vehicle if the first item identifier compares to the second item identifier.

None of the references alone or in combination with each other teach or otherwise suggest the claimed invention of independent claim 19. Specifically, the Tuttle '301 reference merely discloses a method for adjusting the communication range of an RFID transceiver so that the interrogator transceiver positioned on an operator only communicates with one particular tagged item within a predetermined communication range, in order to avoid communication with other nearby tagged items. It should be appreciated that in Tuttle '301, the operator physically identifies the item by placing the interrogator within the communication range of the tagged item.

Tuttle '301 does not disclose a system and method of automatically tracking a vehicle within a storage area containing a plurality of vehicles that includes a first item identifier, and a second item identifier which cross-references the first item identifier to the second item identifier, a final destination identifier, a shipping status identifier, a transportation means identifier and a location within the storage area identifier. Also, Tuttle '301 does not disclose a system and method of automatically tracking an item within a storage area that is being stored prior to shipping, and is moved around within the storage area. Tuttle '301 is distinguishable since Tuttle '301 identifies the item by adjusting the communication range of the RFID interrogator transceiver so that only the item in the immediate vicinity of the operator, or

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associated with the operator (i.e. held by the operator), receives the signal for identification purposes. Further, Tuttle '301 does not disclose a method of tracking an item within a storage area that includes the steps of assigning a first and second item identifier, a destination identifier, a status identifier, a transport means identifier, and a storage identifier to the item, programming the identifiers into a programmable identification device that is affixed to the item, and comparing the item identifiers to automatically track the item within the storage area using a computer system.

In fact, the teachings of Tuttle '301 teach away from the claimed invention, since Tuttle '301 teaches adjusting the communication range between the interrogator transceiver on an operator and the tag transceiver on the item to slightly exceed the closest distance between the interrogator and the tag while the operator is handling the tagged object. The communication range is minimized, so that only the object closest to the interrogator receiver receives the signal, and not all of the other objects in the storage area. This is distinguishable from the teachings of the Applicant, where the object is assigned two identifiers, and the second interrogator transceiver sends a signal to a plurality of items in the storage facility and the first and second identifier is cross-referenced to identify the item. Therefore, adjusting the communication range to be a minimum so the only the closest item to the operator receives the signal is not the same as sending a signal to all of the items within the storage area to locate the item by cross-referencing the first and second identifier. The teachings of Tuttle '301 do not solve the problem of manually searching the storage facility to locate a stored item, which Applicant is trying to solve with his invention. In fact, the teachings of Tuttle '301 rely on a manual search to identify the item.



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According to the MPEP, in order to support a finding of obviousness, there must be some teaching in the reference to suggest the method of tracking a vehicle within a vehicle storage facility as taught by the Applicant. Any features not taught directly must be inherently present. The Applicant respectfully submits that the requisite teachings are not present in Tuttle '301, since Tuttle teaches adjusting the communication range of the interrogator receiver on an operator to only communicate with a tagged item during a manual search.

Benson et al. '693 merely teaches the use of a radio frequency transceiver to track the vehicle identification code of a vehicle entering or leaving a storage lot. Again, there simply is no teaching in Benson et al. '693 to suggest the method of tracking a vehicle within the storage facility as taught by the Applicant.

The combination of Tuttle and Benson et al. does not disclose a system and method of tracking a stored item, such as a vehicle within a storage area, using two unique identifiers for identifying the item, the current location of the item, the status of the item, the transportation means, and the destination of the item.

The combination of the references, if combinable, would not render obvious Applicant's invention as claimed in independent claim 19. Further, it would not be obvious to one skilled in the vehicle tracking within a storage facility art of the Applicant, to combine the baggage handling art of Tuttle that adjusts the range of the RFID system to read only the tagged item in the immediate vicinity of the interrogator transceiver, with the tracking of a vehicle entering or leaving storage facility art of Benson. There is simply no writing in the teachings of Benson '683 or Tuttle '301 to suggest a motivation for such a combination. While the Examiner suggests that such a combination would be obvious, that is to compare the destination

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information of Tuttle '301, which he considers to be the first identifier, with lot number indicating the current location of the vehicle taught by Benson '683, in indicating whether the item/vehicle must be transferred to another location. The Examiner suggests that by comparing the information, the operator confirms the itinerary of the item/vehicle so that proper transportation is provided for the vehicle to transfer. However, the Examiner fails to suggest a motivation for such a combination within each reference, given the disparate teachings of each of the references. The Applicant respectfully disagrees with the Examiner's characterizing the destination information of Tuttle '301 as the first identifier. The Examiner is ignoring the critical teaching of Tuttle '301, that of adjusting the range of the transceiver on the operator to only identify the tagged item the operator is handling.

Assuming that the Tuttle and Benson references are combinable, such a combination would only teach how to identify a single item in the immediate range of the interrogator transceiver as it is entering or leaving the storage facility. This is clearly distinguishable from the unobvious feature of the present invention, which is the use of unique identifiers to remotely track a predetermined vehicle stored among a plurality of vehicles within the storage area.

According to the MPEP 2141, the standard to follow in determining obviousness is that factual inquiries set forth in *Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966). These include determining the scope and contents of the prior art, ascertaining the difference between the prior art and the claims in issue, resolving the level of ordinary skill in the pertinent art and evaluating evidence of secondary consideration. According to the MPEP, the applicant's invention must be considered as a whole, the references must also be considered as a whole and suggest the desirability of making the combination of references. Further, the references must be

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viewed without impermissible hindsight and there is a reasonable expectation of success. The Applicant has described in detail the scope and contents of the prior art, set forth the difference between the prior art and the claimed invention, and described the ordinary skill in the art. In order to make a prima facie case of obviousness, the teachings or suggestion to make the claimed combination must be found in the prior art and not in the Applicant's disclosure. Further, the Examiner must provide an objective reason to combine the teachings of the reference. The Applicant submits that there is no teaching in the prior art cited by the Examiner to suggest a system and method of automatically tracking a stored item, such as a vehicle, within a storage area containing a plurality of stored items, using two unique identifiers for identifying the item using a first selectively programmable identification device on the item and a second selectively programmable identification item that interrogates each of the first selectively programmable identification devices until a predetermined item is identified, and the current location of the item, the status of the item, the transportation means, and the destination of the item are read from the identified item. The problem solved by the Applicant is different than the problem solved by the cited references and there is no reason, suggestion or motivation to combine the references.

Therefore, it is respectfully submitted that the independent claim 19 and the claims dependent therefrom, are patentably distinguishable over the combination of Tuttle and Benson.

Claims 44-46 and 48-50 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tuttle in view of Benson and U.S. Patent No. 6,429,776 to Alicot et al. Applicant respectfully traverses this rejection for the reasons set forth above with respect to Tuttle and Benson.

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The primary reference to Tuttle and the secondary reference to Benson are not supportable; likewise, Alicot is not supportable. U.S. Patent No. 6,429,776 to Alicot et al. discloses removing a tag from the product at a point of sale. The Examiner states that it would be obvious to one skilled in the art to integrate the teachings of Alicot with the baggage handling art teachings of Tuttle and the vehicle tracking art of Benson. However, the Examiner does not state a motivation for combining these disparate teachings, and there is no suggestion in each reference for such a combination. In fact, the Examiner has suggested a new invention from such a combination, that is to avoid any other interferences with other sources of RFID signal transmitters and transponders by entering a point of RFID transponder area, and reuse the removed RFID for another vehicle when another vehicle enters the storage area to avoid any additional cost for another set of RFIDs. This suggested combination is simply not the same as the invention disclosed by the Applicant in claim 44.

Therefore, Applicant respectfully submits that claim 44 and the claims dependent therefrom are in a condition for allowance, which allowance is respectfully solicited.

Claims 22, 38 and 40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tuttle in view of Benson as applied to claim 1s and 39 above and further in view of Levine (U.S. Patent No. 5,477,038). Claim 38 has been previously canceled and claims 22 and 40 are currently canceled. Applicant submits that the rejection with regard to these claims is moot.

Claims 26 and 42 and 47 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tuttle in view of Benson as applied to claims 1, 39 and 44 above, and further in view of Bravman et al. (U.S. Patent No. 5,866,888). Applicant respectfully traverses this rejection with respect to claims 26 and 47 for the reasons set forth above. Since claim 26 is dependent from

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claim 19, and claim 47 is dependent from claim 44, and the underlying independent base claims are allowable, then so are any dependent claims. Claim 42 has been canceled, so Applicant respectfully submits that the rejection with respect to this claim is now moot. Therefore, it is respectfully submitted that the claims 26 and 47 are patentably distinguishable over the combination of Tuttle, Benson, and Bravman et al.

Claims 33, 43 and 52 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tuttle in view of Benson and Alicot as applied to claims 1, 39 and 44 above, and further in view of Jaekle (U.S. Patent No. 3,661,098). Applicant respectfully traverses the rejection with respect to claims 33 and 52 for the reasons set forth above. Further, since claim 33 is dependent from claim 19, and claim 52 is dependent from claim 44, and the underlying independent base claims are allowable, then so are any dependent claims. Claim 43 has been previously canceled; therefore Applicant submits that this rejection is now moot. Therefore, it is respectfully submitted that the claims 33 and 52 are patentably distinguishable over the combination of Tuttle, Benson, Alicot and Jaekle.

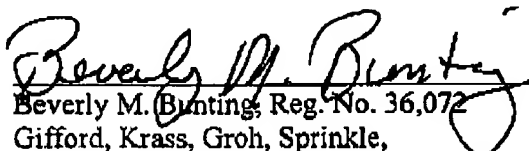
Claims 32 and 51 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tuttle in view of Benson and Alicot as applied to claims 1 and 44 above and further in view of Handy (U.S. Patent No. 4,832,204). Applicant respectfully traverses this rejection for the reasons set forth above. Further, since claim 32 is dependent from independent claim 19, and claim 51 is dependent from independent claim 44 and the underlying independent base claims are allowable, then so are any dependent claims. Therefore, it is respectfully submitted that claims 32 and 51 are patentably distinguishable over the combination of Tuttle, Benson, Alicot and Handy et al.

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Based on the above, Applicant submits that the claims are in a condition for allowance, which allowance is respectfully solicited. If the Examiner finds to the contrary, it is respectfully requested that the undersigned in charge of this application be called at the telephone number given below to resolve any remaining issues.

Respectfully submitted,

  
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CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being sent to the United States Patent Office via facsimile (703) ~~82-136~~ on march 26, 2004.

  
Rainie L. Mills